

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH CARRETHEERS,
Plaintiff,

No. C-09-1101 EMC

v.

**ORDER RE PLAINTIFF'S MOTION IN
LIMINE #1**

BAY AREA RAPID TRANSIT, et al.,
Defendants.

In the Court's Final Pretrial Conference Order, Docket No. 80, the Court stated the following in ruling on Plaintiff's Motion in Limine #1:

In their first motion, Plaintiff asks the Court to exclude any evidence of Plaintiff's prior arrests, convictions, and previous drug and alcohol use. Defendants do not oppose the motion, although they would seek to introduce it as rebuttal "should Plaintiff introduce evidence, in whatever form, affirmatively suggesting the absence of a prior history of arrests, convictions and drug and alcohol use." Opp. at 1. The Court therefore **GRANTS** the motion to exclude this evidence, although it will not bar Plaintiffs from moving to introduce the evidence if Defendants open the door to such evidence.

The Court hereby clarifies that the last sentence should state, "The Court therefore **GRANTS** the motion to exclude this evidence, although it will not bar Defendants from moving to introduce the evidence if Plaintiff opens the door to such evidence."

IT IS SO ORDERED.

Dated: November 17, 2011



EDWARD M. CHEN
United States District Judge